

FILED

Certified Mail No. 7001 2510 0003 4423 0846
Return Receipt Requested

APR 26 2005

Mike Kreidler, former Insurance Commissioner
Insurance Commissioner's Office
State of Washington
The Central Building, Suite 650/MS. TB-03
810 3rd Ave.
Seattle, Washington 98104

Hearings Unit, JIC
Patricia D. Petersen
Chief Hearing Officer

April 22, 2005

Ref: Order No. DO 5-11, STATE OF WASHINGTON vs. The Global Healings Society

Dear Mike Kreidler;

Notice has been taken and duly recorded that you have employed instruments of interstate commerce to proceed the above-referenced action in violation of Title 18 U.S. Code §1961 et seq. and for which you have stepped outside immunity into RICO violations, as have your co-conspirators in Montana and Florida and elsewhere. See *Pinkerton vs. US*, 328 U.S. 640 (1946); *Salinas v. United States*, 522 U.S. 52 (1997); and Title 50 USC APP, Sections 1-6, 7-39, and 41-44.

You may wish to withdraw from the RICO conspiracy by declaration and vacation of office, and this is your opportunity to do so, but personally I am of the opinion that you should just keep on doing what you were paid to do.

Just remember that your offer is subject to law:

I accept your oath of office in this matter. I do not give you permission to issue fraudulent/false securities such as your offer. I am the employer here, you are the employee, and I don't give you permission to make any such offer. I am Me, myself a Sovereign American without the UNITED STATES. I do not accept your offer of contract, under contract law. I demand that you dismiss and discharge this offer for failure to state a claim upon which relief can be granted.

You know to do the right thing. I know exactly what I am going to do and exactly which law I am going to obtain enforcement through. So this is your 3-day grace to dismiss and discharge your offer, and possibly avoid enforcement action. If you choose to not dismiss and discharge your offer within three (3) days of your receipt of this opportunity, then you waive objections to such enforcement.

Sincerely,

Rev. Joseph-Michael Gardinier
Dr. Rev. Joseph-Michael: Gardinier®, Caretaker

RICO

PINKERTON-SALINAS DOCTRINE

For commission of common law fraud, conversion, unjust enrichment, breach of fiduciary duty, negligent misrepresentation, breach of implied warranty of good faith and fair dealing, due to covin, collusion, deceit and various trespasses, including the *coup d'etat* takeover of America and "treason" against the American people since that and including February 21, 1871 (61 Stat. 419, post-Civil War)

Congress has mandated RICO: "the sole and exclusive relief and remedy for Americans" (Title 50 USC APP, Sections 1-6, 7-39, and 41-44) [read that again!]

Pinkerton v. U.S., 328 U.S. 640 (1946)

Salinas v. United States, 522 U.S. 52 (1997)

Prerequisite for liability

RICO Section 1962(d) conspiracy claims under the *Pinkerton* doctrine: *Pinkerton* is in fact a significant instrument for employment here, especially to address the pernicious and harmful affect of economic and financial crimes.

Under *Pinkerton*, an agreement to commit a crime or crimes is a prerequisite for liability. If such an agreement existed, **anyone** who joined it is liable for offenses other conspirators commit to advance the objectives of their agreement. *Pinkerton v. U.S.*, 328 U.S. at 647. The act of agreeing to the commission of certain crimes suffices; it is not necessary that one commit any affirmative act to advance the realization of the goals of the conspiracy.

Both *Pinkerton* and rules of complicity accomplish this through a singular vehicle: they attribute causation for crimes that are physically perpetrated by another on the basis of a unique bad act - that of entering into a criminal affiliation. The premise of these doctrines is that the act of aligning oneself with others to pursue a criminal purpose has causal significance. The causal import of this act is an instance of mediate causation.

Brenner's treatment of *Pinkerton* in the context of examining affiliative liability is noteworthy for consideration in examining the doctrine's impact upon *Salinas v. United States*, 522 U.S. 52 (1997) and *Beck v. Prupis*, 529 U.S. 494 (2000):

This act [affiliating with another for a criminal purpose] satisfies the criteria for imposing accountability under the traditional criminal law standard of personal liability: affiliating with another for criminal purposes is a voluntary act committed with a culpable mental state, or *mens rea*, that causes a

prohibited social harm. In either of its guises, as Pinkerton liability or as complicitious liability, this act is clearly more culpable than the act that suffices for imposition of vicarious liability in civil law. ... The only element of criminal liability that is attenuated under Pinkerton is causation, which receives the same treatment accorded it under the kindred doctrine of accomplice liability. Liability can attach under either form of affiliative liability without showing that the affiliative act actually caused commission of certain crimes. (footnote omitted). And because the affiliative act is a wrong in itself, liability can attach even though the target crime was not accomplished. Susan W. Brenner, *Of Complicity and Enterprise Criminality: Applying Pinkerton Liability to RICO Actions*, 56 MO. L. Rev. 931, 963-64 (1991).

Affiliative liability

Affiliative liability, therefore, is judicially recognized and appropriately applicable to ascribe *Pinkerton* liability to RICO coconspirators whose offense is consummating the illegal agreement to contravene RICO substantive provisions. Brenner's expose on the application of *Pinkerton* aptly reveals that guilt by association is in fact a viable legal instrument for RICO Section 1962(d) conspiratorial liability. Instead of abrogating "the need for a personal actus reus" as an element of liability, the Pinkerton doctrine holds a party liable for the consequences of a specific personal act - affiliating with another for criminal purposes. This act permits imposition of liability for crimes committed by those with whom one shares such a relationship. The nonacting party is liable for these offenses because her criminal act of allying herself with the acting party caused them to be committed.

Pinkerton's application here is significant. The doctrine can support a civil RICO plaintiff endeavoring to reach nonacting coconspirators involved with those committing financial crimes against the American people. *Pinkerton*, analyzed in connection with mediate causation, augments a realistic argument to extend RICO conspiratorial liability to nonacting coconspirators, and rationally justify such application. Such analysis is reflective of various U.S. Circuit Court of Appeals' opinions which relied upon both *Salinas* and *Beck*.